

Approved

MINUTES OF THE REGULAR MEETING OF THE GRANTSVILLE CITY COUNCIL HELD ON FEBRUARY 4, 2009 AT THE GRANTSVILLE CITY HALL, 429 EAST MAIN STREET, GRANTSVILLE, UTAH. THE MEETING BEGAN AT 7:00 P.M.

Roll Call - Mayor and Council Members: Mayor Anderson, Council Members Brent Marshall, Tom Tripp, Paul Rupp, Todd Castagno and Mike Johnson were present.

Appointed Officers and Employees Present: Attorney Ron Elton, City Recorder Rachel Wright and Finance Director Jeremy Walker.

Citizens and Guests Present: Colleen Brunson, Roger Hale, Renee Williams, Marie Donovan, Troy Randall, David Duey, Brent Lowell, Brenda Loveless, and Jerry Edwards.

Mayor Anderson officially called the meeting to order at 7:00 p.m.

I. REPORT FROM RONDA RUDD MENLOVE - UTAH HOUSE OF REPRESENTATIVES

Ronda Menlove was present and addressed the council regarding State legislation. She stated that the main subject that is being discussed is budget cuts. She stated the current year budget cuts have been completed. She stated they decided to cut the budget and not utilize any of the rainy day funds to balance the 2009 budget. She stated they are starting to work on the 2010 budget. She stated the State has tried to protect cities and counties. Mayor Anderson asked about impact fees. Representative Menlove stated there is a bill being presented that would exempt schools from impact fees. She stated that it had passed the first hurdle but is not sure if it will be passed by the full legislature. She stated she is working on a bill regarding the EPA. She stated the EPA has designated Box Elder and Tooele County as nonattainment areas to be included with the Wasatch Front Counties. She stated the designation doesn't make any sense since Box Elder and Tooele County areas are rural and will not have an impact on air quality like the Wasatch Front. She stated she is concerned that industrial business will not look to locate in Box Elder or Tooele County because their air quality is lumped in with the Wasatch Front. Representative Menlove stated there is another bill that will raise the fees for license plates and the revenue made would go into a fund for firefighters. She stated the funds will be used for the Fire Museum, training, and scholarships. She stated that this bill had passed the House and is on its way to the Senate. She stated it is House Bill 241. Councilman Marshall expressed his appreciation for Representative Menlove and the other legislators that represent this area. Councilman Rupp stated that ethics reforms are being considered again by the legislature. He stated that it is consistently being brought up. He stated there are currently the same problems that had been happening thirty years ago. Representative Menlove stated she sees the big problem is the system that is used to fund elections. She stated it is expensive to fund a campaign. She stated the common person just cannot afford to run for election. She stated ethics is a big dilemma and at some point the system needs to be fully addressed. She stated her appreciation for being able to come and speak and wanted to let the community know that they can contact her anytime.

II. PUBLIC HEARINGS:

- a. **General Plan amendment for 11.4 acres on the southwest corner of Worthington and Durfee Streets, from a “Low Density Residential” land use category (up to 2 dwellings per acre) to a “Commercial/Higher Density Residential” land use category, in order to accommodate a commercial recreation center and retail space. (Dolorosa Estancia LLC – Josh Henwood Application).**

Mayor Anderson opened the public hearing at 7:15 p.m. to receive comments on the proposed General Plan amendment for Dolorosa Estancia, LLC.

Craig Williams spoke in opposition to the proposed general plan amendment. He stated he likes the current zone. He stated that he does not feel it is the appropriate area for commercial establishments. He stated commercial should be kept on Main Street. He stated he is concerned with safety if commercial is allowed in the area. He stated Durfee Street is not wide enough to handle a commercial establishment.

Roger Hale spoke in opposition to the proposed general plan amendment. He stated he does not feel it is an appropriate location for commercial. He stated he is concerned with pedestrian safety. He stated that in the Planning Commission meeting they talked about it being a walkable community. He stated there isn't the infrastructure needed to handle a walkable community.

Renee Williams spoke in opposition to the proposed general plan amendment. She stated that Delorosa has not proved themselves. She stated that the Delorosa Estancia Subdivision is not completed. She stated that they need to prove themselves before the City allows them to put commercial on the proposed corner.

Mayor Anderson asked to receive any further comments, no other comments were offered. The Mayor closed the public hearing at 7:30 p.m.

- b. **Proposed amendment to the City's Land Use Management and Development Code to require that most off-site improvements including roads, utilities, and other improvements be installed in a development/subdivision prior to the issuance of any residential building permits.**

Mayor Anderson opened the public hearing at 7:30 p.m. to receive comments on the proposed amendment to the City's Land Use Management and Development Code. No comments were offered and the Mayor closed the public hearing at 7:31 p.m.

- c. **Proposed amendment to the Planned Unit Development regulations of the City's Land Use Management and Development Code, revising the approval process, standards for approval and other general revisions.**

Mayor Anderson opened the public hearing at 7:31 p.m. to receive comments on the proposed amendment to the Planned Unit Development regulations. No comments were offered and the Mayor closed the public hearing at 7:32 p.m.

AGENDA:

1. Summary Action Items

- a. Approval of City Council Minutes for the January 21, 2009 meeting.
- b. Approval of Business Licenses for D and S Services, LLC and Bonnie Plants.
- c. Approval of Bills dated February 4, 2009 in the sum of \$234,668.58.
- d. Personnel Matters (none).

Motion: Councilman Marshall made a motion to approve the summary action items. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

2. Consideration of Resolution 2009-04 amending the 2008-2009 City budgets.

Mayor Anderson stated that budget adjustments should be considered on a regular basis. Finance Director Walker presented the proposed budget adjustments. He stated that current revenues for building permits and subdivision fees are lower than projected. He stated that property and sales taxes were higher than projected. He stated that the police department was also able to secure a grant that wasn't anticipated or included in their budget. He stated that on the expenditure side there are minor changes being made. He stated that the City Hall's budget is being reduced by \$24,000.00. He stated the budget revenues are being increased by \$57,000.00 to reflect increased sales and property tax and the unexpected grant for the police department. He stated that he believes the City is making good decisions and feels confident about the overall financial condition of the City.

Councilman Marshall commented that the year to date expenditures and amounts remaining in department budgets could be misleading. He stated that the year to date actual expenditures may be misconstrued by some of departments, especially if other department purchases are being processed, but have not shown up as current expenditures. He said Department Heads may think they have more funds left than they actually do.

Motion: Councilman Tripp made a motion to approve Resolution No. 2009-04, a resolution amending the 2008-2009 Grantsville City Budget as presented. Councilman Johnson seconded the motion. All voted in favor and the motion carried.

3. Consideration of approval of storage unit development (conditional use permit) at approximately 700 West Main Street. (Faye and Mitchell Hall application).

Mitchell Hall was present and stated there had been some delays in finalizing the project because of engineering issues. He reported that these issues have all been taken care of. Attorney Elton stated the zoning requires a conditional use permit for this development. He stated that because of the size of the project it requires both Planning Commission and City Council approval. Mitchell Hall stated the proposal is for a storage facility of 443 storage units. He stated there will be an onsite manager. He stated the storage units will be secured with an electronic access card reading system. Councilman Marshall asked if there will be a block wall surrounding the storage units. Mr. Hall stated there will be in that the units themselves will form the exterior perimeter in a fortress style. He stated they are going to put up a vinyl fence on the South side by the residential area because of the safety concern of children walking on the block fence. He stated there will be two entrances. One entrance will be put in at Phase 1 and the other entrance will be put in at Phase 2. He stated the roads are 30 feet. He stated they will be asphaltting the entrance.

Motion: Councilman Rupp made a motion to approve the conditional use permit for Faye and Mitchell Hall for a storage unit development at approximately 700 West Main Street with the same conditions as required by the Planning Commission. Councilman Tripp seconded the motion. All voted in favor and the motion carried.

4. Consideration of Ordinance No. 2008-44, an ordinance amending Chapter 14 Use Table to delete the setback requirements for pastures and to provide new setback requirements for accessory buildings for Rural Residential Districts to protect these uses from new dwellings on adjoining parcels.

Attorney Elton stated there are two draft ordinances. He stated the second alternative left pastures in the regulation, which would restrict the placement of animals within 100 feet of an existing dwelling.

Motion: Councilman Johnson made a motion to approve the second alternative of Ordinance 2008-44, which is an ordinance amending Table 14.1 of the Land Use Development and Management Code of Grantsville City by providing new setback requirements for accessory buildings. Councilman Marshall seconded the motion. All voted in favor and the motion carried.

5. Consideration of Ordinance No. 2008-43, an ordinance amending Chapter 15 Use Table and Section 7.17(2) to delete the setback requirements for animals and family food production from new dwellings on adjoining parcels in the R-1-12, R-1-21, and the RM-7 zoning districts.

Councilman Marshall asked about the possibility of deleting horses from this language and putting in large animals. Attorney Elton stated that family food production is defined in the ordinance to include large and small animals and that the City has historically allowed horses in these zones.

Motion: Councilman Marshall made a motion to approve Ordinance No. 2008-43, an ordinance repealing Section 7.17(2) and revising table 15.1 of the Land Use Development and Management Code by Grantsville City by amending the setback requirements for family food production and the raising of horses in residential zoning districts. Councilman Rupp seconded the motion. All voted in favor and the motion carried.

6. Consideration of Ordinance No. 2009-03, amending the impact fee ordinance to provide that if a developer requests a larger water meter than is required and pays the fees associated with the selected meter that no refunds, credits, challenges, appeals or mediation will be allowed to pay reduced impact fees.

Councilman Johnson stated that the revised ordinance allows the individual to change their mind on the water meter size if the impact fee has not been paid. Councilman Castagno suggested the building inspector point out the charges in order to notify the homeowner or builder what size of meter they are paying for.

Motion: Councilman Johnson made a motion to approve Ordinance No. 2009-03, an ordinance amending Section 30-1-4 of the Grantsville City Code to provide that if an owner or developer knowingly requests and pays impact fees for a larger water meter than is required, that no refunds, credits, challenges, appeals or mediation will thereafter be allowed

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to pay less impact fees. Councilman Castagno seconded the motion. All voted in favor and the motion carried.

7. Consideration of Resolution No. 2009-05, establishing a revised physical fitness program for Grantsville City employees.

Recorder Wright stated that the proposed revision to the City sponsored physical fitness program will put the City in compliance with IRS regulations as well as save money. She stated that with the downturn in the economy the employees thought a revision to the physical fitness program would be wise. She stated the resolution being proposed will provide for a monthly reimbursement to employees who enroll in and pay for a fitness program, up to \$20.00 a month. The employee will get a membership at a gym of their choosing and show verification of enrollment and payment. The revised program also eliminates the City's payment for a workout companion. She stated the resolution will help cut some of the costs but still allow those that are using a fitness facility to be able to continue with their fitness goals.

Councilman Marshall stated he does not feel this is the best way to spend the taxpayers' money.

Motion: Councilman Castagno made a motion to approve Resolution No. 2009-05, a resolution establishing a revised physical fitness program for Grantsville City employees. Councilman Rupp seconded the motion. Councilmen Castagno, Rupp, Tripp and Johnson voted for the motion. Councilman Marshall voted against the motion. The motion carried.

8. Council Information Updates.

Mayor Anderson stated that the Council may need to hold a special meeting with the City's water rights attorneys. He stated the meeting would be about the status of Grantsville City's water rights and recommendations. He stated Recorder Wright will place in their boxes a copy of the executive summary written by Smith Hartvigsen, the law firm that the City has retained to review City water rights and he would like to place on the next meeting agenda the possibility of holding a special meeting.

Mayor Anderson stated Project Cannonball is still being considered for Tooele Valley. He stated the County is looking at tax increment financing.

Mayor Anderson stated he was contacted by a Salt Lake City Bees representative to see if the City would like to sponsor an activity for City Employees to attend a Bees game again this summer. All council members agreed that the Mayor could go ahead with plans to schedule this event.

Councilman Tripp suggested that the minutes of the planning commission list all of the conditions that are required as a part of the approval of a development. He also questioned the process of approving the bills, since most of the bills that are being considered have already been committed for approval by various departments. He stated that on large items like the rescue truck the council considered the specifications and approved the purchase before the funds were committed. He indicated that the Council did not have any input into the preapproval of the acquisition of approximately \$70,000.00 in independent audit fees, because they were paid in small amounts throughout the year. He stated the Council should

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be more aware of these expenses. He stated that he understands the purchase order amount was changed and he feels this may have created some problems for the City.

Councilman Castagno stated that they submitted a grant to sponsor the Taste of Grantsville program.

9. Adjourn.

Motion: Councilman Marshall made a motion to adjourn. Councilman Rupp seconded the motion. All voted in favor and the meeting officially adjourned at 8:47 p.m.